

RULES
OF
DEPARTMENT OF COMMERCE AND INSURANCE
DIVISION OF FIRE PREVENTION

CHAPTER 0780-2-16

FIRE PREVENTION AND BUILDING INSPECTOR
CERTIFICATION STANDARDS AND QUALIFICATIONS

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0780-2-16-.01 GENERAL REQUIREMENTS.

- (1) Whenever any application or document is sent to the State Fire Marshal's Office regarding certification, mailing by certified mail to the State of Tennessee, Department of Commerce and Insurance, Division of Fire Prevention, 500 James Robertson Parkway, Third Floor, Nashville, Tennessee 37243, will be required.
- (2) The applicant as candidate for certification shall show proof satisfactory to the Division that he or she understands applicable building and/or fire codes, through the regulations set out herein. Post application matters not specifically addressed in these rules will be at the discretion of the Division.
- (3) A certification will be valid for a period of three (3) years to start on the calendar date of issuance; and to expire at 12:00 p.m. Noon on that calendar date three (3) years later.
- (4) The certification holder shall carry in his or her possession a certification ID card, to be issued by the Division. Whenever the holder performs inspections pursuant to this chapter.
- (5) An applicant for certification has up to twelve (12) months from July 1, 1994, for those employed on this date, or twelve (12) months from their date of employment for those hired after this date to satisfy the requirements for certification, therefore, all requirements for certification must be met within this time frame or excused for just cause by the Division.
- (6) Municipalities and counties shall notify the state fire marshal within sixty (60) days after any new code official subject to certification is hired. The notice shall be on a form provided by the fire marshal for this purpose and shall contain the name of the newly hired official and the date of employment.
- (7) Persons who do fire prevention inspections or pre-fire planning inspections need not be certified unless part of their regular duties also includes fire code inspections or building code inspections.
- (8) Persons who do gas code inspections, plumbing code inspections, or mechanical code inspections need not be certified unless part of their regular duties also include fire code inspections or building code inspections.
- (9) The purpose of this certification requirement will be to establish uniform minimum requirements designed to increase the level of competency and reliability of code enforcement personnel, to the level that will enhance each local government's ability to protect the lives and property of its citizens from improper construction, fire, and related hazards.

Authority: T.C.A. 68-120-113, 68-120-113. Administrative History: Original rule filed July 28, 1993; effective October 1, 1993.

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0780-2-16-.02 DEFINITIONS.

- (1) "Department" shall mean the Tennessee Department of Commerce and Insurance.
- (2) "Division" shall mean the Division of Fire Prevention, also known as the State Fire Marshals Office.
- (3) "Chapter" refers to Tennessee Code Annotated Section 68-120-101, et.seq.
- (4) "Certification" shall mean that designation or certificate, to be conferred on the candidate by the State Fire Marshal after making application and showing a satisfactory requisite of understanding of applicable building and/or fire codes.
- (5) "Building Code Official" means the officers and their duly authorized representatives who have as part of their regular duties the performance of building code inspection, or the resolution of conflicts relative to application of the building code. The official's status shall be determined by job duties rather than job title.
- (6) "Fire Code Official" means the officers and their duly authorized representatives who have a part of their regular duties the performance of fire code inspections, or the resolution of conflicts relative to application of the fire code. The "official", status shall be determined by job duties rather than job title.
- (7) "Building Code Inspection" means an inspection for the purpose of enforcing and determining compliance with the building code and as a result of which citations for failure to comply may be issued or other remedies or measures for enforcement of the building code may be invoked.
- (8) "Fire Code Inspection" means an inspection for the purpose of enforcing and determining compliance with the fire code and as a result of which citations for failure to comply may be issued or other remedies or measures for enforcement of the fire code may be invoked.
- (9) "Fire prevention inspection" means an inspection conducted by fire department personnel other than a fire code official as defined herein. This inspection is advisory in nature (i.e. maintenance and housekeeping) by the fire department personnel. This inspection may result in a fire code inspection.
- (10) "Pre-fire planning inspection" means a walk-through inspection for the purpose of determining building layout and other building conditions to aid fire fighters if a fire occurs.

Authority: T.C.A. 68-120-113, 68-120-106 and 68-102-113. Administrative History: Original rule filed July 28, 1993; effective October 11, 1993.

0780-2-16-.03 REGISTRATION.

- (1) Any person required to be certified, should contact the Division, at the address listed in the General Requirements, in order to obtain information detailing the steps that they must take.
- (2) Any applicant for certification shall contact the Division's office in Nashville, Tennessee and obtain the required application form, to be filled out completely and returned to that office with the required fee of \$45.00.
- (3) The applicant must show proof of successful completion of a recognized and accepted training course and/or exam which will test their knowledge and skills of building inspection or fire safety.
- (4) The Division will issue a certificate and ID card, upon its assurance that the candidate has satisfied all certification requirements. The certificate and ID card will be mailed by certified mail to the business address given on the application form and will be valid for a period of three (3) years from the date of issuance.

Authority: T.C.A. 68-120-113, 68-120-106 and 68-102-113. Administrative History: Original rule filed July 28, 1993; effective October 11, 1993.

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0780-2-16-.04 ACCEPTABLE STANDARDS, ORGANIZATIONS AND COURSES. The Division will accept certification by the following as providing the appropriate level of standards and qualifications necessary for certification under this chapter. Acceptable certification titles shall be commensurate with the code enforcement discipline in which the applicant performs.

- (1) The Southern Building Code Congress International, (the S.B.C.C.I.); or the
- (2) National Fire Protection Association (the N.F.P.A.); or the
- (3) Council of American Building Officials (the C.A.B.O.); or the
- (4) Successful completion of an equivalent exam administered by or through the Division.

Authority: T.C.A. 68-120-113, 68-120-106, and 68-102-113. Administrative History: Original rule filed July 28, 1993; effective October 11, 1993.

0780-2-16-.05 STANDARDS AND QUALIFICATIONS.

(1) In order to enable the candidate to acquire the knowledge and skills required to attain certification, the Division will establish or contract for training courses which meet the minimum standards and qualifications necessary for certification

under this chapter. These training courses will be made available to local government employees with building code inspection, or fire safety inspection enforcement responsibilities.

(2) This list is provided to give the candidate a general overview of the major areas of expertise for their information, and is not intended as a complete list of required training courses or exam topics:

- (a) Inspection Practices and Procedures
- (b) Building Construction Codes and Fire Codes
- (c) Occupancy Classifications and Hazard Recognition
- (d) Principles of Building Construction
- (e) Fixed and Portable Fire Protection Systems
- (f) Code Interpretation and Application
- (g) Code Enforcement Administration

Authority: T.C.A. 68-120-114, 68-120-106 and 68-102-113. Administrative History: Original rule filed July 28, 1993; effective October 11, 1993.

0780-2-16-.06 RE-CERTIFICATION.

(1) After a three year period of certification has expired, in order to obtain re-certification, the candidate must submit a fee of \$35.00 to the Division office along with their recertification application form properly filled out. The Division will send each candidate for re-certification an application form at least 60 days prior to the date of expiration of the original certificate. The application for re-certification will be mailed by the Division to the last known business address,

unless the candidate has requested otherwise.

(2) Applicants for re-certification will have up to sixty (60) days following the expiration of their certification to fulfill all requirements for re-certification. All applications filed during this late re-certification period must be accompanied by a late penalty fee of \$10.00 in addition to the \$35.00 re-certification fee.

- (3) Re-certification requirements can be met through either one of the following three methods:

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(a) Attendance and successful completion of Division approved training courses and seminars which provide classroom hours. Organizations are encouraged to submit seminars and programs for approval by the Division for classroom contact hours toward re-certification. There will be a minimum requirement of 36 contact classroom hours of continuing education in order to obtain recertification by this method. Proof of such completion of 36 total hours must be attached to the re-certification form when it is submitted to the Division. The Division will notify all certificate holders of approved seminar/course dates and locations of which the Division is aware. The Division will not be responsible for training expenses incurred by the candidate.

(b) Successful completion of an exam administered by the Division.

(c) Successful completion during the previous three (3) years of the next higher level of certification offered by a recognized and approved certifying organization as listed in Rule 0780-2-16-.04.

Authority: T.C.A. 68-120-113, 68-120-106 and 68-102-113. Administrative History: Original rule filed July 28, 1993; effective October 11, 1993.

0780-2-16-.07 REVOCATION OF CERTIFICATION.

(1) The Division may revoke, modify, suspend, or condition its certification of an individual if it finds, after appropriate investigation, notice and hearing, that;

- (a) the requirements for certification had not been met prior to certification; or
- (b) any continuing responsibilities associated with certification are not being fulfilled; or
- (c) the certificate holder is not properly enforcing the provisions of this chapter; or
- (d) any fraud, collusion, misrepresentation or substantial mistake was involved in the procurement of certification.

(2) Any certification holder whose certification is revoked may appeal such revocation pursuant to the Uniform Administrative Procedures Act, compiled in Tennessee Code Annotated Title 4, Chapter 5.

Authority: T.C.A. 68-120-113, 68-120-106, and 68-102-113. Administrative History: Original rule filed July 28, 1993; effective October 11, 1993.